

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Gary L. Johnson

PTO/PCT Rec'd 10 MAY 2000

U.S. Serial No.: 09/403,075

Group Art Unit: Not Assigned Yet

I.A. Number: PCT/US99/02974

Examiner: Not Assigned Yet

I.A. Filing Date: 12 February 1999

For: MEKK1 PROTEINS AND FRAGMENTS THEREOF
FOR USE IN REGULATING APOPTOSIS

Attorney Docket No.: CPI-042CPUS

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir:

Responsive to the *Notification of Missing Requirements Under 35 U.S.C. 371* dated December 16, 1999, Applicant's attorney submits herewith an executed Declaration, Petition and Power of Attorney for Patent Application for the above-identified patent application and a Verified Statement Claiming Small Entity Status. Enclosed is a check in the amount of **\$65.00** to cover the surcharge under 37 CFR 1.492(e) owed by Applicant. A Request for a Four-Month Extension of Time is being filed concurrently herewith. A copy of Form PCT/DO/EO/905 is also enclosed.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

"Express Mail" mailing label number EL 263 575 695 US

Date of Deposit May 10, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231

Nelson Barros
Signature

NELSON BARROS
Please Print Name of Person Signing

LAHIVE & COCKFIELD, LLP

Attorneys at Law

Peter C. Lauro

Peter C. Lauro, Esq.
Reg. No. 32,360
28 State Street
Boston, MA 02109
Tel: 617-227-7400

05/15/2000 UNHCR 0000026 09403075

01 FC:254

LAHIVE
&
COCKFIELD
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahcoc.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DAVID A. LANE, JR.
JEANNE M. DIGIORGIO
DEBRA J. MILASINCIC, Ph.D.
NICHOLAS P. TRIANO, III
TIMOTHY J. DOUROS
WILLIAM D. DeVAUL
CATHERINE J. KARA, Ph.D.

410 Rec'd PCT/PTO 10 MAY 2000

CHI SUK KIM
DAVID J. RIKKERS
DAVID R. BURNS

SENIOR COUNSEL
W. HUGO LIEPMANN
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
PETER C. LAURO *
DeANN FORAN SMITH**

* Admitted in NY only
** Admitted in MI only

PATENT AGENTS
MEGAN E. WILLIAMS, Ph.D.

TECHNICAL SPECIALISTS
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
JENNIFER L. ELLIOTT, Ph.D.
LAUREN C. FOSTER, D.Sc.
EUIHOON LEE
ERICK B. BERGLUND, Ph.D.
LISA M. DIROCCO
JENNIFER K. ROSENFELD

May 10, 2000

Assistant Commissioner for Patents
BOX PCT
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/403,075
(U.S. National Phase based on PCT/US99/02974)
Applicants: Gary L Johnson
International Filing Date: February 12, 1999
Title: *MEKK1 PROTEINS AND FRAGMENTS THEREOF FOR USE IN
REGULATING APOPTOSIS*
Attorney Docket No.: CPI-042CPUS

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice To File Missing Requirements;
2. Request for Four-Month Extension of Time (*in duplicate*);
3. Executed Declaration, Petition and Power of Attorney;
4. Verified Statement Claiming Small Entity Status;
5. Copy of Form PCT/DO/EO/905;
6. Checks for \$65.00 (surcharge) and \$680.00 (extension); and
7. A return postcard.

Please charge any deficiencies associated with this communication to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

"Express Mail" mailing label number EL 263 575 695 US
Date of Deposit May 10, 2000
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231
Nelson Barros
Signature
NELSON BARROS
Please Print Name of Person Signing

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By Peter C. Lauro
Peter C. Lauro, Esq.
Reg. No. 32,360
28 State Street
Boston, MA 02109
Tel: 617-227-7400

DOCKETED

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

JAN. 16, 2000 - MISSING REQUIREMENTS & SURCHARGE
JUNE 16, 2000 - E.S.P. W/S MOS. EXT. DATE OF DECLAR.

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/403075	JOHNSON	G CPI-042CPUS
INTERNATIONAL APPLICATION NO.		
PCT/US99/02974		
I.A. FILING DATE	PRIORITY DATE	
12 FEB 99	13 FEB 98	
DATE MAILED: 16 DEC 1999		

GIULIO A DECONTI JR
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

COPY

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☒ a Designated Office (37 CFR 1.494),
- ☐ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☐ a non-English language.
 - ☒ English.
- ☒ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s) filed _____ and _____.
- ☐ Information Disclosure Statement(s) filed _____ and _____.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed _____.
- ☒ Verified Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☐ Copy of the International Search Report ☐ and copies of the references cited therein.
- ☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 - ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 4. Translation of the Annexes **MUST** be submitted no later that the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed:

- ☒ PCT/DO/EO/917
- ☐ PTO-875

☐ Notice of Defective Translation

Paulett Kidwell, Paralegal